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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,280	09/17/2003	Ciprian Agapi	BOC9-2003-0060 (434)	4539
40987	7590	03/27/2006	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			LEWIS, ALICIA M	
			ART UNIT	PAPER NUMBER
			2164	
DATE MAILED: 03/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,280

Applicant(s)

AGAPI ET AL.

Examiner

Alicia M. Lewis

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on May 21, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1, 8 and 16 recite the limitation of "sorting by a second criteria," however no first criterion for sorting is recited.
5. Claims 2-7, 9-15 and 17-18 are rejected as being dependent upon a vague and indefinite claim rejected under the second paragraph of 35 U.S.C 112 as stated above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2164

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent 6,662,178 B2).

With respect to claims 1, 8 and 16, Lee teaches:

receiving a system request to display the grammar files in the presentation list (column 4 lines 7-11); and

sorting the grammar files by giving user defined grammar files greater priority over built-in grammar files and then sorting by a second criteria (column 4 lines 12-15, 49-57).

In Lee's invention, a system request to display a grammar file is equivalent to a system receiving a search query. The sorting of the grammar files by user defined grammar files and built-in grammar files is equivalent to displaying the search results of the query. The user defined grammar files are the files that satisfy the search query, and are thus given a greater priority by being displayed. The built-in files are the files in a database that are not displayed because they do not match the query. Based on the 35 U.S.C. 112 rejection above, "a second criteria" can be any criterion because no first criterion is stated.

With respect to claims 2 and 9, Lee teaches wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files (column 4 line 58 – column 5 line 4).

With respect to claims 3 and 10, Lee teaches wherein the method further comprises the step of distinguishing between a user defined grammar and a built-in grammar (column 4 lines 49-64).

With respect to claims 4 and 11, Lee teaches wherein the step of distinguishing is accomplished using at least one among labeling and text formatting (column 4 line 58 – column 5 line 4).

Lee teaches that the results may be displayed using different textual/graphical formats. Also, the actual listing of the search results can be considered labeling.

With respect to claims 5 and 12, Lee teaches wherein the user defined grammar files and the built-in grammar files can share the same name.

Lee's invention deals with searching for patent materials, including patents and patent applications. It is possible for patents and patent applications to share the same name, thus the user defined grammar files and built-in grammar files can share the same name.

Art Unit: 2164

With respect to claims 6, 13 and 17, Lee teaches wherein the second criteria is an alphabetical order (column 4 lines 53-56).

With respect to claims 7, 14 and 18, Lee teaches wherein the second criteria is a chronological order (column 4 lines 53-55).

With respect to claim 15, wherein the presentation list is at least one among a drop-down list and a list box (column 4 lines 30-32, 52-53).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Lewis
March 16, 2006



SAM RIMELL
PRIMARY EXAMINER